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Report of the Secretary-General on the United Nations Disengagement Observer Force for the period from 1 July to 31 December 2010

I. Introduction

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) during the past six months pursuant to the mandate contained in Security Council resolution 350 (1974) and extended in subsequent resolutions, most recently through resolution 1934 (2010).

II. Situation in the area and activities of the Force

2. During the period under review, the ceasefire in the Israel-Syria sector was maintained and the UNDOF area of operation remained generally quiet. UNDOF supervised the area of separation by means of fixed positions and patrols to ensure that military forces of either party were excluded from it. The Force also carried out fortnightly inspections of equipment and force levels in the areas of limitation. Liaison officers from the party concerned accompanied the inspection teams. As in the past, both sides denied inspection teams access to some of their positions and imposed restrictions on the Force's freedom of movement. UNDOF continued to adapt its operational posture to the ongoing Israel Defense Forces training activities in the area of limitation on the Alpha side and Syrian civilian development growth in proximity to the ceasefire line in the area of separation. New defensive positions were constructed on the Bravo side in the area of limitation. Both sides maintained existing defensive positions in the respective areas of limitation. Israeli national customs officials continue to operate periodically at the Israel Defense Forces post at the UNDOF crossing gate between the Israeli-occupied Golan and the Syrian Arab Republic.

3. The Force continued to assist the International Committee of the Red Cross with the passage of persons through the area of separation. During the past six months, UNDOF assisted in the crossing of 1,331 pilgrims, 396 students and four humanitarian crossings. UNDOF also provided medical treatment to 65 civilians.

4. In the area of operation, especially in the area of separation, mines continued to pose a threat to UNDOF personnel and local inhabitants. Owing to the long-term presence of the mines and the deterioration of their detonation systems, the threat

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has increased. UNDOF continued to carry out operational mine clearance. Coordination with other agencies is continuing in an effort to assist in increasing the level of mine awareness among the civilian population, in particular children, as well as exploring ways to assist those who have been injured by mine accidents. UNDOF continued the project to accurately and clearly mark the Alpha and Bravo Lines, which delineate the area of separation. The portion along the Alpha Line was completed in October 2010 and UNDOF plans to commence work on the portion along the Bravo Line.

5. The UNDOF Force Commander and his staff maintained close contact with the military authorities of Israel and of the Syrian Arab Republic. Both sides generally cooperated with the Force in the execution of its tasks.

6. In view of the population growth and multiple construction developments in the areas of separation and limitation, the expansion of agricultural and cattle grazing areas and an overall increase in civilian activities, the civil affairs capacity of the Force, comprising a civil affairs officer and the Observer Group Golan, enhanced its liaison with local authorities and engagement with local civilians to explain the Mission's mandate and activities.

7. As at 10 November 2010, UNDOF comprised 1,042 troops from Austria (377), the Philippines (349), India (189), Croatia (94), Japan (31) and Canada (2). A total of 15 personnel are employed by Japan as a national support element. In addition, 77 military observers from the United Nations Truce Supervision Organization (UNTSO) assisted the Force in carrying out its tasks.

III. Financial aspects

8. The General Assembly, by its resolution 64/281 appropriated the amount of $47.8 million for the maintenance of UNDOF for the period from 1 July 2010 to 30 June 2011. Therefore, should the Security Council approve my recommendation set out in paragraph 14 below with respect to the extension of the mandate of UNDOF, the cost for the maintenance of the Force during the extension period will be limited to resources approved by the Assembly.

9. As at 18 November 2010, unpaid assessed contributions to the special account for UNDOF amounted to $15.5 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,910.4 million.

10. Reimbursement of troop and contingent-owned equipment costs has been made for the periods up to 31 August 2010 and 30 June 2010, respectively, in accordance with the quarterly payment schedule.

IV. Implementation of Security Council resolution 338 (1973)

11. The Security Council, when deciding in its resolution 1934 (2010) to renew the mandate of UNDOF for a further period of six months, until 31 December 2010, also called upon the parties concerned to implement immediately its resolution 338 (1973), and requested me to submit, at the end of the period, a report on developments in the situation and the measures taken to implement that resolution. The search for a peaceful settlement in the Middle East, in particular the efforts

undertaken at various levels to implement resolution 338 (1973), was dealt with in my report on the situation in the Middle East (A/65/379) submitted pursuant to General Assembly resolutions 64/20, entitled "Jerusalem", and 64/21, entitled "The Syrian Golan".

V. Observations

12. The situation in the Israel-Syria sector has remained generally quiet. UNDOF, which was established in May 1974 to supervise the ceasefire called for by the Security Council and the agreement on disengagement between Syrian and Israeli forces of 31 May 1974, has continued to perform its functions effectively, with the cooperation of the parties.

13. Nevertheless, the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. I hope that determined efforts will be made by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973). Since the discontinuation in December 2008 of indirect peace talks, there have been no negotiations between the parties. I encourage the parties to resume peace negotiations as soon as possible, aimed at a comprehensive peace in accordance with the Madrid Conference terms of reference for peace and relevant Security Council resolutions.

14. Under the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 30 June 2011. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel also has expressed its agreement. It is hoped that both sides will continue to make efforts to ease the limitations on the mobility of the Force and facilitate the movement of its supplies.

15. In conclusion, I wish to express my appreciation to Major General Natalio Ecarma III and the military and civilian personnel serving with UNDOF and UNTSO. They have performed with efficiency and commitment the important tasks assigned to them by the Security Council. I take this opportunity to express my appreciation to the Governments contributing troops to UNDOF and to those which provide the UNTSO military observers assigned to the Force.

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Seventh report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1902 (2009), by which the Council extended the mandate of the United Nations Integrated Office in Burundi (BINUB) and requested me to keep it informed of progress in the implementation of the resolution. The Council also requested me to submit proposals, following consultations with the Government of Burundi, on what changes need to be made to the direction and composition of the United Nations presence in Burundi, including a time frame for the transition to a more development-focused presence. The report provides an update on major developments in Burundi since the issuance of my last report (S/2009/611) on 30 November 2009, and outlines my proposals on the mandate and structure of the post-BINUB presence.

II. Major developments

A. Political developments

2. Political activity during the reporting period was dominated by the general elections and other related developments. On 15 December 2009, the Independent National Electoral Commission set out an electoral calendar for five elections over a five-month period in 2010: communal (24 May); presidential (28 June); National Assembly (23 July); senatorial (28 July); and *collinaires* (7 September). Voter registration took place from 21 January to 8 February, and 3,541,596 voters, of an estimated population of 8,059,574, were registered.

3. Although during the latter part of 2009 there had been incidents of violence between youth groups affiliated with political parties — in particular the Forces nationales de libération (FNL) and the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) — the security situation was relatively calm in the run-up to the communal elections, with the exception of isolated incidents. Meanwhile, the twin mechanisms established in 2009 in support of the elections, the Consultative Strategic Committee and the Technical Coordination Committee, continued their activities, which included encouraging dialogue among political actors. The United Nations provided support

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to the campaign to deliver free identity cards and technical assistance to the Independent National Electoral Commission. In addition, a BINUB task force was established on 23 April 2010 to monitor the electoral preparations and develop logistical contingency plans.

4. The electoral budget amounted to $46.5 million, and a basket fund managed by the United Nations Development Programme (UNDP) was established. The Government provided $7.9 million; in addition, the following countries and entities gave financial support for the organization of the elections: Australia, Belgium, Canada, China, Egypt, France, Germany, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the African Union, the European Union, UNDP and the Peacebuilding Fund.

5. The communal elections, initially scheduled for 21 May 2010, were briefly delayed until 24 May 2010, owing to a shortage of ballot papers and delays in the deployment of sensitive electoral material. In response, BINUB facilitated the transportation and delivery of ballot papers and other electoral material throughout the country.

6. Twenty-four political parties participated in the communal elections, only five of which registered candidates in all 129 communes. At the national level, CNDD-FDD obtained 64 per cent of the votes; FNL, 14 per cent; the Union pour le progrès national (UPRONA), 6 per cent; Sahwanya-Front pour la démocratie au Burundi (Sahwanya-FRODEBU), 5 per cent; the Mouvement pour la solidarité et la démocratie (MSD), 4 per cent; and the Union pour la paix et le développement-Zigamibanga (UPD-Zigamibanga), 2 per cent. The other 18 political parties and independent candidates shared less than 4 per cent of the remaining votes.

7. A group of 12 opposition political parties, including FNL, Sahwanya-FRODEBU, CNDD, MSD and UPD, rejected the communal election results, alleging massive fraud and irregularities. The group questioned the neutrality of the Independent National Electoral Commission and called for the re-holding of the communal polls. National and international observers, however, declared that the elections had been conducted in conformity with international norms. They noted that any irregularities observed during the polls had not been significant enough to bring into question the credibility of the results.

8. On 1 June 2010, FNL, Sahwanya-FRODEBU, CNDD, MSD and UPD-Zigamibanga withdrew their respective candidates from the presidential election, followed, on 4 June, by UPRONA. On 7 June, the 12 parties formalized their coalition as the Alliance démocratique pour le changement-Ikibiri (ADC-Ikibiri), which subsequently urged its elected councillors not to take up their seats in communal councils. Moreover, ADC-Ikibiri accused the international community of bias towards CNDD-FDD, owing to its recognition of the results of the communal election.

9. During my visit to Burundi on 9 June 2010, I strongly warned against any recourse to violence in the resolution of political disputes and encouraged all parties to pursue dialogue. I appealed to the parties challenging the results of the communal elections to channel their claims through existing national legal mechanisms and remedies. Throughout this period, my Executive Representative, together with the

Special Representative of the African Union, actively encouraged the opposition parties to resume participation in the electoral process.

10. Following rumours of the imminent arrest of FNL President Agathon Rwasa, on 16 June some 200 FNL youth gathered around his residence in Bujumbura. Subsequent clashes between his supporters and the Burundian National Police left at least 13 injured, including 9 police officers. At least 30 people were arrested and detained on charges of participating in an insurrection. On 23 June, Mr. Rwasa disappeared from his residence, and his whereabouts remain unknown. In correspondence addressed to the media, Mr. Rwasa alleged that his decision to flee had been triggered by a series of threats by State officials to incriminate him. Other prominent opposition leaders have also fled the country, allegedly for fear of political persecution, including Pascaline Kampayano of UPD-Zigamibanga, the President of CNDD, Leonard Nyangoma; the President of the Alliance démocratique pour le renouveau (ADR), Alice Nzomukunda; and the President of MSD, Alexis Sinduhije.

11. The presidential elections were held on 28 June 2010, despite the continuing boycott by ADC-Ikibiri. The sole candidate, the incumbent President, was re-elected with 91 per cent of the votes. The Independent National Electoral Commission announced a turnout of 76 per cent, as compared with 91 per cent in the communal elections. International observers commended the Commission for the management of the presidential elections. However, they deplored the political background against which they were held, including the boycott by the opposition, the prohibition of any political campaign against the single candidate and several acts of violence which took place before and after the campaign, as well as numerous cases of arrest of members of opposition political parties.

12. Elections for the National Assembly were held on 23 July 2010. ADC-Ikibiri continued its boycott, in spite of energetic attempts by the international community and the Independent National Electoral Commission to encourage its participation. Participants in the elections included CNDD-FDD, UPRONA, FRODEBU-Nyakuri and a coalition of 10 parties called the Coalition pour des élections libres, apaisées et transparentes (CELAT). Voter turnout was announced to be 66 per cent with CNDD-FDD securing 81 seats, UPRONA 17 seats and FRODEBU-Nyakuri 5 seats. International observers described the polls as peaceful and well organized, although they deplored the arrest of several opposition party members and the reluctance of the Independent National Electoral Commission to adopt measures aimed at enhancing the transparency of the electoral process.

13. On 28 July 2010, the Independent National Electoral Commission proceeded with the indirect elections for the Senate by communal councillors. However, as a result of the continuing boycott by ADC-Ikibiri, its members refused to take up their seats in the communal councils. CNDD-FDD and UPRONA were the only parties that took part, and CNDD-FDD won 32 of 34 seats, further increasing its majority in all elected State institutions. On 29 July, the President, Pierre Nkurunziza, confirmed the appointments of the communal administrators of 105 communes who had been elected by their bureaux, out of a total of 129 communes nationwide. The elections of administrators in communes won by opposition parties were hampered by the boycott by ADC-Ikibiri of the communal councils. Subsequently, some of the communal council seats were progressively filled, either by elected opposition officials who defied the ADC-Ikibiri boycott call or by other candidates on the same

lists of councillors. To date, 127 of 129 communal council bureaux have been established. The electoral cycle concluded in September with the *collinaire* elections, which observers deemed peaceful and well organized. The elections resulted in institutions that continue to respect the balance, enshrined in the Constitution, between the ethnic groups as envisaged for both the National Assembly and the Senate.

14. On 1 August, some former and recently expelled FNL members organized an extraordinary meeting to replace the executive organ of the party, most notably its President, Agathon Rwasa, on the grounds of dereliction with respect to his post. Subsequently, the Minister of the Interior endorsed the outcome of the meeting. However, several FNL leaders held that the meeting had not complied with the party's internal rules and regulations.

15. On 26 August, President Nkurunziza was inaugurated for a second term. In his inaugural speech, he announced the priorities of his new Government, including fighting corruption, promoting security and fostering national reconciliation, including through transitional justice and the accommodation of all political parties. The following day, in accordance with the Constitution, he nominated a new Government that reflected the composition of the National Assembly, comprising 21 ministers: 14 from CNDD-FDD, 3 from UPRONA, 1 from FRODEBU-Nyakuri and 3 from civil society.

16. The Under-Secretary-General for Political Affairs, B. Lynn Pascoe, visited Burundi on 3 September 2010. During his meeting with President Nkurunziza, he conveyed messages encouraging inclusiveness and continued political space for opposition parties not represented in the National Assembly in order to foster national reconciliation.

B. Security situation

17. The security situation, although relatively stable during the period under review, remains a concern. The incidence of criminal activities remained high, with acts of armed robbery, killings and sexual violence. Those acts are largely attributed to the widespread circulation of weapons, land disputes and the socio-economic situation in the country.

18. During the electoral period, there was a massive deployment of security forces throughout the country. Election-related violence increased somewhat during the campaign period and, following the announcement of the preliminary results of communal elections, there was a significant increase in grenade attacks in public places, with 106 such attacks between 1 June and 8 July 2010, resulting in the deaths of 11 persons and injuries to 63.

19. An increase in insecurity was also observed near the Kibira and Rukoko forests, most notably the 15 September 2010 attack on sugar-cane plantation workers that resulted in 7 deaths and at least 15 injuries. The authorities described the alleged perpetrators as armed bandits and have increased the police and military presence in response. Some media sources, however, have suggested the possible re-emergence of a rebel movement.

20. During the period under consideration, the national army, the Forces de défense nationale, experienced some internal dissent over housing and salary

grievances among the rank and file. In December 2009 and in January and February 2010, a number of army officers and soldiers were arrested on charges of inciting and participating in mutiny.

21. Burundi remains under security phase II, with the exception of Cibitoke and Bubanza provinces, which are under security phase III. Between April and August 2010, 18 United Nations vehicles were stoned and a Molotov cocktail was thrown at another. Those attacks resulted in minor injuries to three staff members and damage to the vehicles. While the perpetrators of the attacks remain unidentified, some observers attributed them to some former staff of the United Nations Office in Burundi who continue to hold demonstrations to demand financial compensation for what they consider to be the illegal termination of their contracts. Following the bombings by Al-Shabaab in Kampala on 11 July 2010 and its subsequent threat to carry out similar attacks in Burundi, the authorities heightened security measures throughout the country.

C. Regional aspects

22. Over the past year, Burundi has pursued its efforts to integrate into the East African Community (EAC). A full-fledged customs union, aimed at eliminating internal tariffs among EAC member States, was established on 1 January 2010. On 29 April, Burundi ratified the EAC common market protocol, which provides for the free movement of labour, goods, services and capital and the right of establishment. The protocol entered into force on 1 July 2010.

23. In support of Burundi's democratic process, several regional organizations, including the African Union, EAC, the International Conference on the Great Lakes Region, the Economic Community of Central African States and the Common Market for Eastern and Southern Africa, deployed electoral observers to Burundi during the elections. In June, ministers for foreign affairs of the countries members of EAC visited Burundi and held discussions with members of ADC-Ikibiri to encourage them to rejoin the electoral process. On 3 February, at the fourteenth Ordinary Summit of the African Union, the Executive Council elected Burundi as one of the 15 new States members of its Peace and Security Council.

III. Activities related to the Peacebuilding Commission

24. During the period under review, the Peacebuilding Commission continued to monitor the situation in Burundi closely. In June 2010, the Permanent Representative of Switzerland to the United Nations and Chair of the Burundi configuration of the Commission, Paul Seger, visited Burundi to discuss the Commission's post-electoral engagement with the Government and other stakeholders.

25. The following key priority areas for engagement with Burundian stakeholders were identified: (a) lessons learned from the electoral process; (b) challenges resulting from the boycott of the elections by the majority of opposition parties; (c) residual peacebuilding priorities; (d) a review of the Strategic Framework for Peacebuilding in Burundi and the future role of the Commission; (e) elaboration of a

second conflict-sensitive and peacebuilding-oriented Poverty Reduction Strategy Paper, and (f) resource mobilization.

26. The Assistant Secretary-General for Peacebuilding Support and Head of the Peacebuilding Support Office, Judy Cheng-Hopkins, led a mission to Burundi from 11 to 15 August to discuss, with national authorities, BINUB and other relevant stakeholders, opportunities for support during the post-electoral period. The mission also assessed progress made in the peacebuilding agenda as well as the role of the Peacebuilding Commission in Burundi in the context of a global review of the peacebuilding architecture. Ms. Cheng-Hopkins reiterated the United Nations commitment to supporting new peacebuilding initiatives and mobilizing resources for the sustainable socio-economic reintegration of people affected by the conflict. In this regard, she agreed to recommend funding for a new socio-economic reintegration programme jointly developed by the United Nations and the Government.

27. During the period under review, an external evaluation of the projects funded by the Peacebuilding Fund in Burundi was carried out, with a view to making recommendations for the sustainability of the results achieved and drawing relevant lessons for Burundi and other countries. The evaluation concluded that in Burundi the Fund was used to fund several innovative peacebuilding projects aimed at fostering political dialogue, reforming the security sector, managing land conflicts involving returning refugees, providing access to justice and establishing transitional justice mechanisms. The Fund had catalysed funding by other donors and strengthened the United Nations capacity to implement the Security Council mandate.

IV. Peace consolidation challenges

A. Democratic governance

28. BINUB, in collaboration with the Ministry of Public Service, organized workshops to raise the awareness of senior State officials regarding the code of conduct for civil servants and State employees during the elections. BINUB also supported the establishment of the Permanent Forum for Dialogue among Political Parties, renovated its conference hall in May 2010 and provided equipment for its office. On 16 September, ADC-Ikibiri announced its withdrawal from the Permanent Forum, citing, inter alia, lack of dialogue among political parties.

29. BINUB also organized workshops to raise awareness among senior State officials regarding decentralization and contributed to capacity-building for members of Parliament. Furthermore, it supported the operationalization of the Economic and Social Council by providing equipment and organizing a study mission to Canada for its members.

30. BINUB is conducting preliminary assessments regarding the establishment of the National Programme for Administrative Reform. In addition, BINUB and UNDP are jointly supporting a project aimed at updating a database on civil society organizations housed in the Ministry of the Interior.

B. Public information

31. In preparation for the elections, BINUB initiated training and capacity-building sessions for journalists, media outlets and institutions on the gathering and processing of information, media coverage of elections, political analysis, interview techniques and the role of the media in promoting human rights during elections. In March 2010, BINUB facilitated the signing of a media code of conduct for the monitoring and coverage of the electoral process within the framework of the *Plan d'action commun d'appui aux médias*. The mechanism harmonized support to media organizations that covered the electoral process. BINUB also provided assistance to the media regulatory body, *Observatoire de la presse du Burundi*, to strengthen its capacity during the electoral period. Furthermore, BINUB supported the communication campaign conducted by the Independent National Electoral Commission aimed at encouraging participation in the elections and promoting a peaceful atmosphere.

32. Within the framework of the *Plan d'action commun d'appui aux médias*, the *Synergie des médias*, an ad hoc coalition of media outlets comprising 18 radio, television and print organizations and involving over 200 journalists, carried out extensive coverage of electoral campaigns and polls, providing timely updates and independent information. On 8 March 2010, BINUB, in collaboration with the Conseil national de la Communication, awarded prizes to *Iwacu* newspaper, Radio publique africaine and Radio et télévision nationale du Burundi, respectively, for the best print media, radio and television production on violence against women, to mark International Women's Day.

C. Security sector reform

33. BINUB organized a series of training sessions aimed at enhancing the professionalization of the security forces. Police and military training sessions focused on the national code of conduct, military justice and the prevention of sexual and gender-based violence, as well as crowd control. Much progress was also achieved in the area of gender mainstreaming in the security sector. BINUB, in collaboration with the Government of Germany, assisted in the establishment of a national women's police network to promote the more active participation of female police officers in the execution of police tasks. BINUB further supported a drive by the armed forces to recruit female officers and provided training to 70 newly integrated ex-FNL female police officers.

34. On 28 June, the Peacebuilding Fund provided funding for the establishment of a community police force. BINUB, in collaboration with UNDP, provided 5,000 police uniforms to the national police. During the same period, BINUB provided office space and communications equipment to the police to support the establishment of communication centres in police stations nationwide to enhance security.

Disarmament, demobilization and reintegration

35. Steady progress was recorded in the reintegration of ex-combatants. In May 2010, under the World Bank-supported Emergency Demobilization and Transitional Reintegration Project, the Government completed the payment of the final

instalment of reintegration assistance to 6,504 demobilized FNL and FNL dissident combatants in their respective communities. Under the community recovery programme, co-funded by the Peacebuilding Fund and UNDP, approximately 3,781 former "adults associated with FNL combatants" are employed in labour-intensive infrastructural projects currently under way in Cibitoke, Bubanza and Bujumbura Rural provinces.

Small arms

36. In June 2010, the national commission on civilian disarmament and combating the proliferation of small arms and light weapons launched a four-month-long campaign to destroy small arms and light weapons. The campaign built on the national civilian disarmament campaign of October 2009, which saw the mass collection of firearms, grenades, ordnance and ammunition. BINUB supported the Commission and the explosive ordnance device team throughout the entire process. To date, approximately 9,142 grenades, 36 bombs, 106 mines, 378 mortar shells and 79 rockets have been destroyed.

37. By the end of September 2010, a joint armed forces/police team under the coordination and leadership of the commission on civilian disarmament and combating the proliferation of small arms and light weapons completed the registration and marking of 7,500 police weapons in Bujumbura Mairie, Bubanza and Cibitoke provinces. The programme was supported by the Peacebuilding Fund and, additional resources permitting, the programme will be extended to the remaining 14 provinces and will also include weapons belonging to the armed forces.

D. Human rights

38. Over the past year, there has been a significant increase in human rights violations. Throughout the electoral period, in particular, BINUB observed severe restrictions on the freedom of expression and association, as well as violations of the right to liberty and security of persons. In the aftermath of the elections, incarceration of members of opposition parties continued. There was also an increase in the repression of journalists. Arrests were made during the elections on charges ranging from threats to State security to illegal possession of arms and, most recently, participation in insurrection. Since the communal elections of 24 May, BINUB has reported a total of 365 politically motivated arrests carried out by the security forces and/or the intelligence services; 152 people are believed to have been released, while 213 remain in detention. The majority of the arrests were carried out without due process.

39. In addition, BINUB observed an increase in extrajudicial killings and/or politically motivated killings, from 27 cases in 2009 to 29 cases recorded thus far in 2010. In September 2010, 18 bodies were found in the Rusizi River; 3 had been decapitated and 2 others had bullet wounds. Four of the 18 were in military uniform. Allegations have been made suggesting possible police involvement, and the Government has established an independent commission of inquiry. While no cases of torture were reported in 2009, thus far in 2010 18 cases of torture have been confirmed by BINUB.

40. Sexual and gender based violence continues to be a major challenge. Between January and October 2010, the Ministry of Human Rights and Gender registered 1,727 rape cases. Through an integrated programme to combat sexual and gender based violence, established in February, the United Nations, together with the Government, is providing support to governmental and non-governmental actors aimed at developing national strategies to combat such violence, train judicial personnel, including the police, and establish special units within the police force to deal with cases of sexual and gender based violence. During the period under review, the Government, in partnership with the United Nations, launched a feasibility study for an integrated pilot centre for the fight against such violence, which is now under construction.

41. Opposition parties and civil society organizations faced sharp restrictions on their freedom of expression, association and assembly. On 17 July 2010, the Director of the Net Press news agency, Jean-Claude Kavumbagu, was arrested on charges of treason following the publication of an article in which he questioned the capacity of Burundian security forces to respond to an Al-Shabaab attack. At the time of writing, Mr. Kavumbagu remained in detention. On 27 September, the spokesperson for MSD, François Nyamoya, was arrested for making statements regarding the involvement of senior members of the national police and the national intelligence service in human rights violations. He was released on probation on 14 October.

42. BINUB continued to promote human rights and civilian protection by regularly monitoring and reporting violations, holding regular briefings for the diplomatic community and the United Nations country team on the human rights situation, and organizing training, as well as awareness programmes, for State employees and youth groups.

43. Efforts to establish a national independent human rights commission continue to face serious challenges. The most recent version of the draft law on the establishment of the Commission, elaborated by the Government, does not fully comply with the Paris Principles relating to the status of national human rights institutions. On 10 January 2010, the Government presented the draft law to the National Assembly, which has yet to consider it.

E. Justice sector reform

44. The consolidation of the rule of law in Burundi still faces numerous challenges, and the independence of the judiciary remains of particular concern. The recruitment of judges and prosecutors lacks transparency, as the Ministry of Justice has continued to make appointments without consulting the High Judicial Council. However, the ongoing efforts to establish a professional training centre for the judiciary are a welcome development. The performance of the judicial system remains very slow and hampered by delays in adjudicating cases and the absence of bailiffs, which, in turn, results in the non-enforcement of court decisions and bottlenecks in the system.

45. Progress was also made in the implementation of the action plan of the Ministry of Justice for the reduction of the prison population, leading to a decrease in the number of pretrial detainees from 10,840 at the end of 2009 to 9,598 in July 2010. BINUB, with support from the Peacebuilding Fund, has provided equipment

to five courts and five prisons throughout the country and trained 1,289 court clerks and magistrates, including from the Supreme Court, on court management. BINUB also published a bench book for magistrates covering court management and procedures as well as professional ethics. It further supported the implementation of the national action plan on the administration of juvenile justice, the translation of the draft penal procedure code into the local language, Kirundi, the establishment of an integrated centre for gender-based violence victims, and inspections by the General Prosecutor's office relating to the legality of pretrial detention, which led to the release of 196 pretrial detainees. In addition, BINUB published a bench book on electoral offences and trained 46 national trainers who, in turn, trained 554 magistrates, lawyers and police officers.

F. Transitional justice

46. National consultations on the establishment of transitional justice mechanisms were completed nationwide in December 2009. The consultations with the diaspora were held in February and March 2010 in Belgium and the United Republic of Tanzania with the support of the Peacebuilding Fund. The report of the consultations was completed on 20 April 2010 and submitted to the President. A publication date for the report has yet to be confirmed by the Government.

G. Child protection

47. Following the release of the last group of children associated with armed groups in April 2010, Burundi was removed from the list of countries monitored under Security Council resolution 1612 (2005). However, owing to the heightened tensions that surrounded the electoral cycle, there is a considerable risk that children and young people will be recruited. This requires continued monitoring and preventive action. Civil society partners are carrying out activities to that end and raising the awareness of communities as part of the activities of the Task Force on Monitoring and Reporting Grave Child Rights Violations.

48. The community reintegration of 626 children formerly associated with armed groups was successfully concluded on 31 July 2010. It was carried out by the Technical Coordination Team, in collaboration with BINUB, the United Nations Children's Fund (UNICEF) and civil society organizations. Of the 626 children, more than 104 have been sent back to school in their communities while the others have benefited from vocational training or income-generating activities. Serious violations of children's rights, including child labour and child rape as well as impunity for the violators, continued to be reported during the period under review. In addition, children continue to be imprisoned with adults in the same cells.

H. Gender

49. During the elections, the United Nations supported several programmes and initiatives aimed at empowering women and encouraging their active participation in the electoral process. The initiatives supported include: (a) the adoption of a strengthened electoral law that established a 30 per cent quota for representation by women in communal councils; (b) encouragement of representation by women

within the electoral commission; (c) awareness-raising about the rights of women vis-à-vis the elections; (d) the registration of women on voter lists and their active participation in election observation; (e) support for the integration of women's concerns into political party platforms; and (f) support for the election of women candidates to the National Assembly.

50. A rate of representation by women in the National Assembly of 32 per cent was attained without co-optation; that rate is above the 30 per cent required by the Constitution. With regard to the Senate, representation by women now stands at 46 per cent, positioning Burundi as the first country in Africa and second in the world in terms of representation by women at this level. Overall, 706 women were elected, representing 34 per cent of all elected officials. That is a substantial increase from the 23 per cent following the 2005 elections. Representation by women in the Government has also increased, from 32 per cent in 2005 to 42 per cent in 2010, with nine women holding Cabinet positions. In addition, more than 10,000 women served as election observers.

51. During the commemoration of the tenth anniversary of Security Council resolution 1325 (2000), held on 11 June 2010, BINUB organized an open day with the participation of 60 women's organizations. The event brought together members of Parliament and human rights activists. During the meeting, participants identified priority areas of intervention, including women's participation in mechanisms for conflict prevention and resolution, the fight against gender-based violence and the integration of the specific needs of women into community rehabilitation and humanitarian relief through the establishment of a basket fund.

52. Between 21 and 23 June 2010, my Executive Representative held focused consultations with women from the diplomatic community and civil society organizations, women human rights activists and representatives of women's associations and youth organizations. The aim of the consultations was to discuss ways and means of supporting women's initiatives so as to promote tolerance and the peaceful settlement of electoral disputes. On 25 June 2010, BINUB provided support to women's organizations by launching a "White scarf for peace" campaign under the theme "Women count for peace in Burundi".

I. Humanitarian situation

53. Despite a slight improvement in the food security situation in the second half of 2010 as a result of favourable climatic conditions, the overall situation remains worrying. This is due to both cyclical factors (recurrent weather changes and crop diseases) and structural factors, including overpopulation. Since the beginning of 2010, 11 of the 17 provinces suffered as a result of food insecurity, with Kirundo being the province most affected. The United Nations and its partners distributed seeds and planting material as well as food to the persons affected. The United Nations and its partners also addressed, through vaccination campaigns, the resurgence of diseases such as measles and cholera.

54. During the period under review, the United Nations supported the Government in the building of eight integrated villages for the resettlement of 5,000 returnees, internally displaced persons and vulnerable residents. Those efforts were conducted through the United Nations integrated programme in support of the national reintegration strategy. Approximately 100,000 people remain internally displaced,

and more than 200,000 Burundian refugees remain in the United Republic of Tanzania. Since 2002, more than 500,000 Burundians have returned from the United Republic of Tanzania. As returns continue, land disputes and the lack of socio-economic amenities remain a challenge to reintegration. Following the tripartite agreement between Burundi, the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Refugees on the voluntary return of Burundian refugees from the Democratic Republic of the Congo and of Congolese refugees from Burundi, the plan to repatriate about 17,000 Burundian refugees was launched early in October. The first convoy of 242 returnees arrived from the Democratic Republic of the Congo on 5 October 2010.

55. Potential civil unrest, natural disasters, epidemic outbreaks, poverty and recurrent food insecurity could still have significant humanitarian consequences and a negative impact on development efforts. It is important that the United Nations continue to monitor the situation and update contingency plans so as to ensure adequate preparedness and an effective response capacity in the event of sudden deterioration of the situation. Although some key humanitarian partners have been scaling down their activities, United Nations operational agencies, the Red Cross and other partners have committed themselves to maintaining in-country stocks sufficient to respond to the needs of at least 10,000 people. UNICEF has recently deployed additional emergency planning and coordination capacity and enhanced its programme on water, sanitation and hygiene and child protection.

J. Economic situation

56. During the period under review, the Government conducted an assessment of the Poverty Reduction Strategy Paper (2007-2010), which indicates mixed results in terms of economic growth, poverty reduction and the creation of a favourable business environment. However, the assessment clearly shows positive results in the area of peace consolidation. The process of the elaboration of the second Poverty Reduction Strategy Paper started in September 2010.

57. On 16 September 2010, Burundi officially launched the 2010 progress report on the Millennium Development Goals. The report indicates that much remains to be done to achieve the Goals by 2015. While it is possible to achieve the Millennium Development Goal relating to universal primary education and make significant progress on the Goals related to health, it would be difficult to eradicate extreme poverty and hunger.

58. The real gross domestic product of Burundi is expected to grow by 3.9 per cent this year, an increase from 3.4 per cent in 2009. The annual inflation rate will remain at under 10 per cent for 2010; an end-of-period inflation is expected, driven by higher food and energy prices as well as the global financial crisis. However, discussions held in September between the Government and a joint donor mission on public finances noted low performances in the areas of pro-poor spending, investment and the collection of official development assistance. The meeting also noted the low level of Government revenue collection, owing to constraints in the implementation of fiscal reforms related to the integration of Burundi into the East African Community and a drop in imports during the electoral period. The Burundian Revenue Authority, a new body in charge of collecting taxes, became operational on 16 March 2010.

V. United Nations Office in Burundi

59. In keeping with the request made by the Security Council in its resolution 1902 (2009) that I provide recommendations on what changes may need to be made to the direction and composition of the United Nations presence in Burundi, I dispatched a multi-disciplinary strategic assessment mission and a technical design mission to Burundi in August and October 2010, respectively. On the basis of the findings of those missions, following consultations with the Government, BINUB, the United Nations country team and the regional and wider international community, and in recognition of the progress made by Burundi, I propose that BINUB be succeeded in January 2011 by the United Nations Office in Burundi (BNUB) for an initial period of one year.

A. Mandate of BNUB

60. The following three strategic priorities for the United Nations system in Burundi over the next five years were identified: completing the process of recovery and stimulating equitable growth; establishing and reinforcing accountable, effective and responsive institutions; and establishing and reinforcing effective mechanisms for dialogue, reconciliation and transitional justice. In order to meet these priorities and complement the work of the United Nations country team, I recommend that BNUB be mandated to assist the Government of Burundi in, inter alia:

(a) Providing analysis and advice towards the establishment and functioning of key institutions in conformity with international standards and principles;

(b) Monitoring key indicators with respect to democracy and governance;

(c) Providing political advice to United Nations country team programming, as well as to other key regional, international and multilateral partners, in particular in the areas of peacebuilding and governance;

(d) Providing analysis, advice and assistance concerning the establishment, and, where relevant, the strengthening of key human rights and justice institutions and oversight mechanisms;

(e) Conducting ongoing monitoring of and reporting on the human rights situation throughout the country and strengthening national civil society;

(f) Advocating at the political level for the establishment of transitional justice mechanisms in accordance with international standards, and providing operational support to the functioning of such bodies;

(g) Providing advice on security sector and rule-of-law issues;

(h) Providing advice on and monitoring the reform of the legal frameworks for increased independence of the justice sector and performance of its oversight role;

(i) Providing support to Burundi in its capacity as Chair of the East African Community for 2011, as well as advising on regional integration issues;

(j) Facilitating and promoting dialogue between national actors and supporting mechanisms for broad-based participation in political life;

(k) Assisting in the coordination of international partners and the mobilization of resources for Burundi, and helping promote equitable growth in Burundi

B. Structure and strength of BNUB

61. I recommend that BNUB be headed by a Special Representative of the Secretary-General, assisted by a Deputy Special Representative/Resident Coordinator/Resident Representative/Humanitarian Coordinator. Such an arrangement will promote the continued integration of political, development and recovery work across the United Nations system and high-level political leadership and advocacy capacity, as well as advisory functions in key residual peace consolidation tasks, including the reform of the rule-of-law and security institutions, while actively preparing for the planned transition back to full management by the United Nations country team of United Nations activities.

62. BNUB would comprise a small front office to support my Special Representative and two substantive sections — a political governance section and an integrated human rights and justice section — focusing on key areas of the mandate.

63. The BINUB field offices, which are currently centred on a human rights function, provide a valued presence that should be further strengthened, in particular so as to continue to support civil society. The mission and the United Nations country team should develop a business plan aimed at ensuring that these become joint United Nations field presences, with a view to the transition back to the work of the United Nations in Burundi eventually being managed through regular engagement of the country team alone. Options might usefully be explored to use such joint field presences as bases for common services with the country team to improve the delivery of programming and services, including with respect to United Nations public information and communications, security services and medical services. For an initial one to two years, assessed contributions would be used to cover part of the cost while more sustainable systems for the longer term are identified and put in place.

64. The overall size of BNUB is likely to be substantially smaller than that of BINUB, in accordance with the Government's request. However, sufficient expertise and capacity should be retained within BINUB (i.e., in logistics and finance) to help manage its downsizing and eventual liquidation. It is important to note that the scaling down from the United Nations Operation in Burundi (ONUB) to BINUB created significant tension among national staff. To this day, a group of former ONUB staff members continue to demand reparations for various reasons, including wrongful dismissal. In spite of assurances by the Government with respect to bringing the issue to a close and an ongoing dialogue with its representatives, the group continues to stage demonstrations, destroy United Nations property and threaten to kidnap United Nations staff. To reduce the risk of a similar reaction, I urge the Government of Burundi to work closely with the United Nations to assist BINUB national staff in their transition to either the public or the private sector.

VI. Observations and recommendations

65. The period under review was characterized by significant progress in the country's move away from a violent past towards a future of peace, stability and development. The challenge of holding five consecutive elections (communal, presidential, legislative, senatorial and *collinaire*) was a considerable one. In organizational terms, and for the first time since 1993, the authorities of Burundi successfully took on this challenge entirely on their own, and I wish to express my gratitude to the international community and to both regional and subregional organizations for their role in supporting the successful conduct of the polls. Despite the deep divide among political actors over the elections and the fact that a single party will dominate the political landscape for the next five years, it is remarkable that neither of those factors has led to the return of large-scale violence, as had been widely feared. I believe that the fact that confrontation has remained predominantly confined to the political realm is a testament to the maturing of the political class of Burundi, the vibrant role played by its increasingly strong and independent civil society, and, above all, the population's desire for lasting peace and development.

66. I welcome the emphasis placed by President Nkurunziza, in his inaugural speech, on the fact that his Government would create space for the political parties that had boycotted the elections. I encourage him in particular to reach out, through dialogue, to the extra-parliamentary opposition, as the necessary measures must be taken to ensure that the progress made is not squandered.

67. I am encouraged by the significant commitment of Burundi to regional integration. In this regard, its chairmanship of the East African Community provides a great opportunity for the country. I reiterate the readiness of the United Nations to provide, as requested, political and technical assistance to ensure that Burundi can both add value to and obtain benefits from this undertaking.

68. I wish to express my appreciation at the completion of the national consultations on the establishment of the transitional justice mechanisms. I encourage the Government to urgently publish a report on those consultations. The United Nations remains available to assist in disseminating the report as soon as a date has been agreed upon with the Government. More importantly, the United Nations stands ready to resume the dialogue with the authorities of Burundi on the outstanding issues, with a view to expediting the actual establishment of the proposed mechanisms.

69. Durable reintegration is critical to the consolidation of the levels of security and stability thus far achieved. I commend the Government of Burundi on the enrolment in reintegration programmes of the last group of children formerly associated with armed groups. I am pleased that the reintegration of demobilized ex-combatants has concluded and encourage the Government to follow through to ensure that the results are sustainable. I welcome the Government's ongoing efforts in the voluntary civilian disarmament campaign and the launch of the Burundian National Police arms-marking and registration process.

70. The submission by the Government to Parliament of a draft law on the establishment of an independent national human rights commission is encouraging. However, at present the draft is not in conformity with the Paris Principles relating to the status of national human rights institutions (see General Assembly resolution 48/134). I call on the authorities of Burundi to review the draft law to ensure full

adherence to the Principles. The United Nations stands ready to provide technical advice to the Government and other recently established democratic institutions on this and other matters to enhance the capacity of Burundians to consolidate peace and promote the rule of law in their country.

71. President Nkurunziza's statement that the fight against corruption will be a priority for his new Government is very encouraging. I hope that his Government will persevere in its efforts targeting corruption and will also pursue structural reforms aimed at improving political, economic and administrative governance. Peace, justice and the rule of law cannot be sustained without development. I welcome the launch of the drafting process of the second Poverty Reduction Strategy Paper and urge international partners to continue to support the Government's efforts to meet the objectives set forth in the Poverty Reduction Strategy Paper and in the Millennium Development Goals.

72. I commend the Peacebuilding Commission for having successfully helped to mobilize international support for the electoral process and for its critical contribution to the electoral budget. I further encourage the Commission to continue its support for the sustainable reintegration of war-affected populations and other vulnerable groups, to remain engaged with the Government of Burundi on the outstanding peacebuilding issues outlined in the proposed mandate for BNUB, and to work with the World Bank and BNUB in supporting the Government's resource mobilization efforts in the context of the upcoming Poverty Reduction Strategy Paper.

73. These many signs of positive progress must not be put at risk by any return to violence or human rights abuses. The recent incidents in the north-western provinces are therefore a particular cause for concern, and I strongly urge the authorities of Burundi to make every effort to ensure security in the affected areas and to address the underlying causes of the insecurity.

74. I appreciate the atmosphere of constructive dialogue currently prevailing between the Government of Burundi and BINUB on the full range of issues pertaining to our cooperation. However, I am deeply concerned about signs of a returning climate of impunity, the resurgence of acts of torture, intimidation, extrajudicial executions and arrests of opposition members, as well as restrictions on the freedom of expression and assembly. I reiterate my call for investigations to be expedited into the case of the killing of the Vice-President of the local anti-corruption non-governmental organization, Observatoire de lutte contre la corruption et les malversations économiques (OLUCOME).

75. The situation in Burundi has sufficiently progressed, in spite of the concerns expressed above, I therefore encourage the international community to gradually shift its engagement in the country from support for the peace process to assistance in the areas of recovery, development and democratic consolidation. The next five years will be critical in this regard, not least because of the still highly volatile political and security situation in the Great Lakes region.

76. Therefore, I recommend that BINUB, whose current mandate expires on 31 December 2010, be succeeded by a scaled-down United Nations presence to support the Government's efforts in consolidating democracy and paving the way for sustainable development. I propose that the Security Council approve the establishment of BNUB for an initial period of one year, effective 1 January 2011.

77. In conclusion, I would like to express my sincere gratitude to my Executive Representative, Charles Petrie; his predecessor, Youssef Mahmoud; and to all United Nations personnel for their dedication and tireless efforts to implement the mandate of BINUB in a truly integrated manner. My gratitude goes also to those bilateral and multilateral partners and non-governmental organizations whose unwavering commitment and generous contributions are of invaluable assistance to Burundi.